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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,318	08/13/2001	John A. Kcenum	HE0158	8280
21495	7590	01/15/2004	EXAMINER	
CORNING CABLE SYSTEMS LLC			CHIANG, JACK	
P O BOX 489			ART UNIT	
HICKORY, NC 28603			PAPER NUMBER	
			2642	
			DATE MAILED: 01/15/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/928318

Applicant(s)

Keenum et al.

Examiner

T. Chiang

Group Art Unit

2642

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on Interview dated on 12-23-03.
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-42 is/are pending in the application.
- Of the above claim(s) 2-9, 11-21, 38-42 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1, 10, 22-36, 37 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

RESTRICTION

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Specie 1: claims 2, 12, 13, base and wall plate;

Specie 2, claims 3, 4, 11, 14, 15, cover and the wall plate;

Specie 3, claims 5, 17-18, 20, 28-29, 38-39, phone/DSL jack;

Specie 4, claims 6, 19, 40-42, electronic filter and its connection;

Specie 5, claims 7-8, 16, line and plug;

Specie 6, claims 9, 21, wire and its connection;

Specie 7, claims 10, 22-36, a mechanical locking mechanism;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 37 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include

all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Dremann on 12-23-03 a provisional election was made with traverse to prosecute the invention of Spice 7, claims 10, 22-36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 2-9, 11-21, 38-42 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Rejection

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 23-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Monti (US 4588866).

Regarding claim 23, Monti shows a housing (telephone) comprising:

A base (12) having a slot (30, 32) for receiving the mounting stud (24) of a wall plate (22);

A cover (front face of the telephone, col. 3, lines 11-18);

Means for locking (50) the housing to the wall plate.

Regarding claim 31, Monti shows a housing (telephone) comprising:

A base (12) having a slot (30, 32) for receiving the mounting stud (24) of a wall plate (22);

A cover (front face of the telephone, col. 3, lines 11-18);

A cavity (between the base and the cover);

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A slide lock (50) having a grip portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

Regarding claim 34, Monti shows a housing (telephone) comprising:

A base (12) having a slot (30, 32) for receiving the mounting stud (24) of a wall plate (22);

A cover (front face of the telephone, col. 3, lines 11-18);

A cavity (between the base and the cover);

A push-button lock (50) having an actuating portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

Regarding claims 24-30, 32-33, 35-36, Monti shows:

The cavity (between the base and the cover);

The locking means (50);

The slide lock (50) having the grip portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position;

The grip portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33);

Guide ribs (43);

A retaining rib (35);

The push-button lock (50) having the actuating portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

The actuating portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33);

Retaining clips (43); and

Retaining posts (63).

6. Claims 23-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Weikle (US 6186826).

Regarding claim 23, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

Means for locking (50) the housing to the wall plate.

Regarding claim 34, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

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A cover (80);

A cavity (between 80, 22);

A push-button lock (46, 50) having an actuating portion (46) and a stop portion (50), the stop portion (50) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

Regarding claim 37, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

A cavity (between 80, 22);

A line cord having a phone plug (see 38 and its wiring) for connection to the phone jack of the wall plate;

At least one phone jack (14) electrically connected to the line cord and accessible through the cover (86) for connection to a phone; and

A filter circuit (67) which would be electrically connected in series with the line cord.

Regarding claims 24, 28-29, 35, Weikle shows:

The cavity (between 80, 22);

The locking means (46, 50);

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The push-button lock (46, 50) having the actuating portion (46) and the stop portion (50), the stop portion (50) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

The actuating portion (46) extends outwardly from the housing in the unlocked position and is substantially flush with housing in the lock position (fig. 5);

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weikle in view of Staber (US 6137866) or Excelsus Technologies, Inc..

Regarding claim 1, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

A cavity (between 80, 22);

A line cord having a phone plug (see 38 and its wiring) for connection to the phone jack of the wall plate;

At least one phone jack (14) electrically connected to the line cord and accessible through the cover (86) for connection to a phone; and

A filter circuit (67) which would be electrically connected in series with the line cord.

Weikle differs from the claimed invention in that it does not have at least one auxiliary jack.

However, Staber teaches providing a phone jack and at least one auxiliary jack (34b, 34c). Excelsus also provides a phone jack and at least one auxiliary jack (see Excelsus).

Hence, it would have been obvious for one skilled in the art to modify Weikle's phone jack with an additional auxiliary jack as taught by Staber or Excelsus, the modification would allow the user to have voice and data service in the line adapter (col. 4, lines 15-40 in Staber, see also Excelsus).

Regarding claim 10, the combination of Weikle and Staber/Excelsus shows a locking mechanism (46, 50 in Weikle).

9. Claims 31-33, 25-27, 30, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weikle in view of Monti (US 4588866).

Regarding claim 31, Weikle shows a housing (10) comprising:

A base (20-30) having a slot (32, 40) for receiving the mounting stud (12E) of a wall plate (18);

A cover (80);

A cavity (between 80, 22); and

A lock (46, 50).

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Weikle differs from the claimed invention in that it is not a slide lock.

Monti teaches providing a slide lock (50) having a grip portion (52) and a stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

Hence, the concept of providing a lock is well taught by both of Weikle and Monti.

Therefore, it would have been obvious for one skilled in the art to use Weikle as it is, or to adapt Monti in Weikle, this simply can be considered as a variation of each other as long as the basic concept of locking the adapter onto the wall plate is substantially unchanged.

Regarding claims 25-27, 30, 32-33, 36, the combination of Weikle and Monti shows:

The cavity (between the base and the cover, see Weikle and Monti);

The locking means (50 in Monti);

The slide lock (50 in Monti) having the grip portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position;

The grip portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33));

Guide ribs (43);

A retaining rib (35);

The push-button lock (50) having the actuating portion (52) and the stop portion (64), the stop portion (64) not obstructing the slot of the base in an unlocked position and obstructing the slot in the locked position.

The actuating portion (52) extends outwardly from the housing in the unlocked position (fig. 4) and is substantially flush with housing in the lock position (fig. 3);

A recess (see (33);


Retaining clips (43); and

Retaining posts (63).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


Jack Chiang
Primary Examiner
Art Unit 2642